

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CAROLL BROWN,
Plaintiff(s),

v.

JOAN KRANE, et al.,
Defendant(s).

Case No. 2:21-cv-00016-GMN-NJK

REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff's notice of removal of this action from the Las Vegas Justice Court. Docket No. 1-1 at 1.¹ Cases from state court may be removed by a defendant. 28 U.S.C. § 1441(a). A plaintiff who initiates a case in state court is not permitted to remove her action to federal court. *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108 (1941); *see also Belssner v. Zhou*, 2017 U.S. Dist. Lexis 179898, at *1 (D. Nev. Oct. 31, 2017), *adopted*, 2018 U.S. Dist. Lexis 201052 (D. Nov. Nov. 28, 2018). Accordingly, the undersigned **RECOMMENDS** that this case be **REMANDED** back to the Las Vegas Justice Court.²

Dated: August 18, 2021


Nancy J. Koppe
United States Magistrate Judge

¹ Plaintiff's filing at times refers to itself as a "complaint." Nonetheless, the filing expressly identifies itself as a notice of removal and lists the Las Vegas Justice Court case that is being removed. *See* Docket No. 1-1 at 1 (identifying Justice Court case number 20E010963); *see also* Docket No. 1-2 (civil cover sheet identifying case origin as a removal from state court).

² Plaintiff did not pay the filing fee or file an application to proceed *in forma pauperis*. 28 U.S.C. § 1914(a) (requiring payment of filing fee for removed cases); 28 U.S.C. § 1915 (providing mechanism to seek *in forma pauperis* status). Given that removal was improper, the Court need not resolve this other issue.

NOTICE

This report and recommendation is submitted to the United States District Judge assigned to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation must file a written objection supported by points and authorities within fourteen days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).